

ATTORNEY'S DOCKET NUMBER

60291.000049

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/576,473

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 60291.000049
INTERNATIONAL APPLICATION NO. PCT/EP2004/011832	INTERNATIONAL FILING DATE 19 October 2004	PRIORITY DATE CLAIMED 20 October 2003
TITLE OF INVENTION RECLOSABLE BEVERAGE CAN		
APPLICANT(S) FOR DO/EO/US Bertold BAST, Rainer BERKEFELD, and Norbert MERTENS		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A Preliminary Amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Notification of Missing Requirements Response to Notification of Missing Requirements and Petition for Extension of Time - 1 Month</p>		

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7) 10/576,473	INTERNATIONAL APPLICATION NO. PCT/EP2004/011832	ATTORNEY'S DOCKET NUMBER 60291.000049		
The following fees have been submitted:		CALCULATIONS PTO USE		
21. <input type="checkbox"/> Basic National Fee (37 CFR 1.492(a)) \$ 300.00		\$ 0.00		
22. <input type="checkbox"/> Examination Fee (37 CFR 1.492(c))				
If the written opinion prepared by ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00		\$ 0.00		
All other situations \$ 200.00				
23. <input type="checkbox"/> Search Fee (37 CFR 1.492(b))				
If the written opinion of the ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00		\$ 0.00		
Search Fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$ 100.00				
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$ 400.00				
All other situations \$ 500.00				
TOTAL OF ABOVE CALCULATIONS = \$900.00		\$ 0.00		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$250.00 for each additional 50 sheets of paper or fraction				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
- 100	/50		x \$250.00	\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h))		\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	37 - 20 =	17	x \$ 50.00	\$ 850
Independent claims	7 - 3 =	4	x \$200.00	\$ 800
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+	\$360.00	\$ 360
Petition for Extension of Time - 1 Month				120
TOTAL OF ABOVE CALCULATIONS =		\$ 2130.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees above are reduced by 1/2.		\$		
SUBTOTAL =		\$		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$		
TOTAL NATIONAL FEE =		\$ 2010.00		
Petition for Extension Fee		\$ 120.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$		
TOTAL FEES ENCLOSED =		\$ 2130.00		
		Amount to be refunded: \$		
		Amount to be charged: \$		

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10/576,473	PCT/EP2004/011832	60291.000049															
<p>a. <input type="checkbox"/> A check in the amount of <u>\$2130.00</u> to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge Deposit Account No. <u>50-0206</u> in the amount of <u>\$2130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or to Deposit Account No. <u>50-0206</u> A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>																	
<p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>																	
<p>SEND ALL CORRESPONDENCE TO:</p> <p>CUSTOMER NO. 21967</p> <p>Intellectual Property Department Hunton & Williams LLP 1900 K Street, N.W.; Suite 1200 Washington, DC 20006-1109 (202) 955-1500 (telephone) (202) 778-2201 (facsimile)</p>																	
<table border="1"> <tr> <td colspan="2">SIGNATURE</td> <td></td> </tr> <tr> <td colspan="2">Jennifer A. Albert</td> <td></td> </tr> <tr> <td colspan="2">NAME</td> <td></td> </tr> <tr> <td>32,0126</td> <td>REGISTRATION NUMBER</td> <td>April 4, 2007</td> </tr> <tr> <td></td> <td></td> <td>DATE</td> </tr> </table>			SIGNATURE			Jennifer A. Albert			NAME			32,0126	REGISTRATION NUMBER	April 4, 2007			DATE
SIGNATURE																	
Jennifer A. Albert																	
NAME																	
32,0126	REGISTRATION NUMBER	April 4, 2007															
		DATE															

04/06/2007 GFREY1 00000007 500206 10576473
 01 FC:1615 850.00 DA
 02 FC:1614 800.00 DA
 03 FC:1616 360.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/576,473	Bertold Bast	60291000049
		INTERNATIONAL APPLICATION NO.
		PCT/EP04/11832
		I.A. FILING DATE PRIORITY DATE
		10/19/2004 10/20/2003
CONFIRMATION NO. 7219		
371 FORMALITIES LETTER		
 *OC000000022275347*		

Date Mailed: 02/02/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/20/2006
- Copy of the International Search Report filed on 04/20/2006
- Information Disclosure Statements filed on 10/31/2006
- Oath or Declaration filed on 04/20/2006
- U.S. Basic National Fees filed on 04/20/2006
- Priority Documents filed on 04/20/2006
- Power of Attorney filed on 04/20/2006
- Specification filed on 04/20/2006
- Claims filed on 04/20/2006
- Abstracts filed on 04/20/2006
- Drawings filed on 04/20/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$1600** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1730** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 1600**
 - **\$800** for 4 independent claims over 3.
 - **\$800** for 16 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/576,473	PCT/EP04/11832	60291000049